

LAW OFFICE OF WILLIAM COUDERT RAND
488 Madison Avenue, Suite 1100
New York, New York 10022
Phone (212) 286-1425; Fax: (646) 688-3078
Email: wcrand@wcrand.com

VIA ECF

April 29, 2014

Honorable Joanna Seybert
District Judge
United States District Court
100 Federal Plaza
Central Islip, N.Y. 11722

Honorable William D. Wall
Magistrate Judge
United States District Court
100 Federal Plaza
Central Islip, N.Y. 11722

Re: Ki Dong Jung, et al., v. Mal Soon Kim, et al.
13 Civ. 4020 (JS)(WDW)

Dear Judge Seybert and Judge Wall:

This firm represents the Plaintiffs in the above referenced Fair Labor Standards Act (“FLSA”) collective action. I am writing to oppose Defendants’ letter motion dated Monday April 28, 2014 which seeks to strike the amended complaint filed on Friday April 25, 2014.

On April 8, 2014, Plaintiffs moved to extend the time to move for leave to file an amended complaint.

On April 9, 2014, Magistrate Wall issued the order stating “Order granting Motion for Extension of Time to Amend to April 25, 2014.” See Order attached.

I understood the order to indicate that no leave was required prior to filing the amended complaint, and, accordingly on April 25, 2014, I filed Plaintiffs’ amended complaint. The Amended complaint (a) clarifies the language pleading an FLSA collective action, (b) adds as named plaintiffs the two opt-in FLSA Plaintiffs, Oscar Mori and Rudy Valdez (whose consents were previously filed with the Court on February 28, 2014) and (c) on their behalf adds state law wage claims.

On April 28, 2014, Defense counsel made their letter motion seeking to strike the amended complaint. Defense counsel did not meet and confer with Defense counsel prior to making the motion.

Upon receiving the motion to strike, I immediately called Defense Counsel and explained that I had understood Magistrate Wall’s Order, which stated “Order granting Motion for Extension of Time to Amend to April 25, 2014,” to mean that no motion for leave to amend

was necessary. I indicated that if he would agree to extend my time to move to file an amended complaint, I would withdraw the amended complaint filed and file a motion for leave to file the amended complaint. Defense counsel refused to agree and indicated that he preferred that I respond to his motion.

Accordingly, Plaintiffs request that Defendants' motion to strike be denied. In the alternative, if Plaintiffs have misunderstood Judge Wall's order, I would request that Plaintiffs be provided a short period to file a motion for leave to file an amended complaint.

Respectfully,



William C. Rand

cc: All counsel via ECF

William Rand

From: ecf_bounces@nyed.uscourts.gov
Sent: Wednesday, April 09, 2014 9:05 AM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 2:13-cv-04020-JS-WDW Jung v. Kim et al Order on Motion for Extension of Time to Amend

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U.S. District Court

Eastern District of New York

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Case Name: Jung v. Kim et al

Case Number: 2:13-cv-04020-JS-WDW

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Document Number: No document attached

Docket Text:

ORDER granting [17] Motion for Extension of Time to Amend to April 25, 2014. Ordered by Magistrate Judge William D. Wall on 4/9/2014. (Hepworth, F.)

2:13-cv-04020-JS-WDW Notice has been electronically mailed to:

William C. Rand wcrand@wcrand.com

Ira Newman inewman@mindspring.com

Samuel Leonard Drukman samdrukman@gmail.com

Do Kyung Kim dkkimlaw@gmail.com

2:13-cv-04020-JS-WDW Notice will not be electronically mailed to:

Oscar G. Mori